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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/792,284	03/04/2004	Colin N.B. Cook	2540-0702	3143
43624 7590 06/22/2009 DAVIDSON BERQUIST JACKSON & GOWDEY LLP 4300 WILSON BLVD., 7TH FLOOR ARLINGTON, VA 22203				
EXAMINER				
SITTA, GRANT				
ART UNIT		PAPER NUMBER		
2629				
MAIL DATE		DELIVERY MODE		
06/22/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/792,284

Applicant(s)

COOK ET AL.

Examiner

GRANT D. SITTA

Art Unit

2629

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 May 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-85/86)
- Paper No(s)/Mail Date 3/25/2009, 5/11/2009
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Inventor's Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. Claims 1-5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
2. In regards to claim 1 lines 8 and 10, Applicant claims wherein the black border is found "close". While Applicant is allowed to claim broadly, "close" has no reference point for purposes of determining proximity of the border and therefore is indefinite.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. Claims 1-5 rejected under 35 U.S.C. 103(a) as being unpatentable over Schneider et al (2002/00383334) hereinafter, Schneider in view of Allen et al (7,002,565) hereinafter, Allen in view of Kim et al (2002/0135605) hereinafter Kim.

6. In regards to claim 1, Schneider discloses the limitations of a method of image improvement in a virtual presence architecture (VPA) (fig. 1a (12, 50 and 20a-20c)) including a host computer (fig. 1a (20a-20c)) in communication with a virtual presence server (VPS) (fig. 1a (50)), a remote computer in communication with a virtual presence client (VPC) (fig.1a (12)), the method: on each new screen resolution that is received by a VPS ([0046] and [0025-0027]), comprising:

detecting at the VPS a new screen resolution of the host computer [0069],
adjusting a screen border to correspond with the new screen resolution ([0046] and [0061-0067]);

identifying whether the adjusted screen edge is near an expected location [0062];

Schneider differs from the claimed invention in that Schneider does not explicitly disclose using the black border. Examiner notes Schneider teaches in his third embodiment of checking the left and right edges, which could be read as a border.

However, Allen teaches a system and method for characterizing a video signal using a black border (fig. 5c col. 5, lines 53-65).

It would have been obvious to one of ordinary skill in the art, at the time of the invention, to modify Schneider to include the use of a black border as taught by Allen in

order to properly categorize the video signal so the device can optimally display the image conveyed as stated in (col. 1, lines 30-42 of Allen).

Schneider as modified by Allen fails to expressly teach if no black border is found close to expected border location, discarding the adjusted screen border and loading a predetermined set of values for the screen border;

If a black border is found close to the expected border location, using the screen resolution of the host computer detected at the VPS instead of discarding the adjusted screen border and loading a predetermined set of values for the screen border.

However, Kim teaches a display mode auto-setting method to optimize display modes. (fig. 3 S1-S-15). Examiner notes Kim teaches a means to compare a plurality of display modes and determine optimum display information.

It would have been obvious to one of ordinary skill in the art, at the time of the invention, to modify Schneider and Allen to include the optimization method as taught by Kim in order to provide the best or optimal display mode among a plurality of display modes (col. 1-2, lines 55-30 Kim).

Therefore, Schneider and Allen as modified by Kim teaches if no black border (fig. 5c col. 5, lines 53-65 Allen) is found close to expected border location ([0060-0062, and 0064] Schneider), discarding (fig. 3 S5, S7 and S9 Kim) the adjusted screen border and loading a predetermined set of values for the screen border ((fig. 3 S3 Kim);

if a black border (fig. 5c col. 5, lines 53-65 Allen) is found close to the expected border location, using the screen resolution of the host computer detected at the VPS

instead (fig. 3 S1 Kim) of discarding the adjusted screen border and loading a predetermined set of values for the screen border (fig. 3 S5, S7 and S9 Kim).

7. In regards to claim 2, Kim discloses the limitations of loading a predetermined value ((fig. 3 S1) Kim).

Schneider teaches a system and method for wherein the predetermined set of values for the screen border is the Video Electronics Standards Association (VESA) set of standard values (table 1 and ([0060] of Schneider).

8. In regards to claim 3, Schneider as modified by Allen and Kim teaches wherein the adjusting is performed by setting a capture engine to move the screen down and to the right ([0061-0064 Schneider] "the right edge of the screen is used as a reference. Thus, the system uses an initial front porch value, counts out the number of pixels in a row, and then determines if the pixel after the end of the row is black or colored").

9. In regards to claim 4, Schneider as modified by Allen and Kim teaches wherein the user is prompted to manually adjust the screen border to correspond with the new screen resolution ([0062] of Schneider).

10. In regards to claim 5, Schneider as modified by Allen and Kim teaches wherein the VPA automatically adjusts the screen (fig. 1a (12, 50 and 20a-20c) and [0063] of

Schneider) border (fig. 5c and col. 3, lines 23-45 of Allen) to correspond with the new screen resolution ([0060-0066] of Schneider).

Response to Arguments

11. Applicant's arguments with respect to claims 1-5 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GRANT D. SITTA whose telephone number is (571)270-1542. The examiner can normally be reached on M-F 9-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sumati Lefkowitz can be reached on 571-272-3638. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Sumati Lefkowitz/
Supervisory Patent Examiner, Art Unit 2629

/Grant D Sitta/
Examiner, Art Unit 2629
June 16, 2009